

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA)	
)	
v.)	1:14-cr-00021-JL
)	
LEONARDO ALMONTE-RAMIREZ)	

**UNITED STATES' OBJECTION TO THE DEFENDANT'S MOTION TO CONTINUE
THE TRIAL**

The United States objects to a further continuance of this trial. The defendant was charged by complaint on December 13, 2013, and was indicted on February 19, 2014, for possessing drugs with the intent to distribute, in violation of 21 U.S.C. § 841(a)(1). On the day of his trial – July 8, 2014 – the defendant fired his attorney, whom he had independently retained. He requested, and was granted, a 60-day continuance to obtain a new lawyer and prepare for trial. The defendant then did nothing until two weeks prior to the new trial date, at which time he retained present counsel. Despite the defendant's feet-dragging in obtaining counsel, the government agreed to a further continuance until November, to allow new counsel the time to appropriately prepare for trial.

On September 18, 2014, the United States extended a plea offer, with an expiration date of October 3, 2014. On October 2, 2014, defense counsel contacted the government, and requested a one-week extension to consider the plea offer, as he had not been able to speak with his client. The government agreed, and extended the deadline to October 10, 2014. On October 13, 2014, defense counsel again contacted the government with three requests: (1) that the government grant the defendant additional time to consider the plea offer; (2) that the government re-produce a small subset of discovery (a few brief telephone audio recordings, and

a short booking video), which had, apparently, not been provided by prior defense counsel; and (3) that the government assent to a further continuance of the trial date. This was the first indication from the defendant's counsel that he had not received a complete discovery file from prior counsel. Nevertheless, on October 14, 2014, the day after defense counsel's request, the government overnighted the requested subset of discovery materials, which had previously been provided to the defendant in May of 2014, and which the defendant had, presumably, reviewed prior to his July 8, 2014 trial.

This is not a complex case. The facts arise from a single alleged drug transaction, and a cache of drugs found in a hidden compartment of the vehicle from which the transaction took place. The witnesses are relatively few in number, and their testimony is quite simple: one witness will testify that she purchased cocaine from the defendant; several law enforcement witnesses will testify about their surveillance of that transaction; and several other law enforcement witnesses will testify that the pre-recorded buy money was found in the defendant's pocket shortly thereafter, and that a hidden compartment was found in the vehicle, containing drugs, cash, and the defendant's personal identification cards.

Moreover, the trial is still approximately 2 ½ weeks away, and the small subset of discovery materials recently re-produced to the defendant (the audio recordings of the telephone calls arranging the controlled purchase, and the video of the defendant being booked at Nashua PD) are straightforward, and will not require significant time to review.

Given the extended period in which the defendant has been under indictment, the simplicity of the case, and the narrow set of materials recently re-requested by the defense, there is no reason to extend the trial in this matter any further.

Accordingly, the United States respectfully requests that the Court deny the defendant's motion to continue the trial, and hold the trial as scheduled, on November 4, 2014.

Respectfully submitted,

JOHN P. KACAVAS
United States Attorney

By: /s/ Nick Abramson
Nick Abramson
Assistant U.S. Attorney
Massachusetts Bar # 672267
53 Pleasant Street, 4th Floor
Concord, New Hampshire 03301
Nick.Abramson@usdoj.gov

/s/ Seth Aframe
Assistant U.S. Attorney
Massachusetts Bar Number 643288
53 Pleasant Street, 4th Floor
Concord, New Hampshire 03301
(603) 225-1552
Seth.Aframe@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2014, a copy of the Joint STA Stipulation was electronically served upon Bill Sullivan, Esq., counsel for the defendant.

/s/ Nick Abramson

Nick Abramson

Assistant U.S. Attorney